IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :13421 of 2007

DATED:28.6.2007.

Between:

The State of A.P. rep by its Principal Secretary, Transport, Road & Buildings & another

....

PETITIONERs

AND

N.Raghuma Reddy

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:13421 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitioners seeking to call for the records pertaining to the order of the tribunal in O.A.No:5768 of 2006, dated 1.2.2007 and to set aside the same by holding as illegal.

The respondent is the applicant. He filed the O.A. seeking to call for the records pertaining to Charge Memo No:39462/V.C(1)/2005, dated 2.7.2005 issued by the 2nd respondent and G.O.Rt.No:754, T.R. & B (Vig.1.2) Department dated 17.7.2006 issued by the 1st respondent and to set aside the same as illegal and to direct the petitioners herein to consider the case of the applicant for promotion to the post of Chief Engineer on par with his junior. The tribunal having observed that the Engineer in Chief who was the Chief Engineer at the relevant time has ratified the action of the applicant and the petitioners herein have failed to prove the culpability of the applicant in the O.A. and the case of the applicant deserves to be considered for promotion to the next higher category if he is otherwise eligible, concluded that notwithstanding the disciplinary case, if it is not concluded, yet, his case shall be considered within a period of three months by the petitioners herein and the applicant will make a representation to the authorities concerned within a period of one month from the date of receipt of a

copy of the order in the O.A. Having aggrieved by the same, the present writ petition is filed by the respondents-petitioners.

Heard the learned counsel.

Before going into the merits of the case, it is pertinent to note that it is well settled that in case of non conclusion of the departmental enquiries for a long period, the delinquent who is facing such enquiry shall not be deprived of his consideration for promotion. Basing on that settled proposition and the facts relevant to the case on hand, the tribunal has rightly directed to consider the case of applicant for promotion within a period of 3 months subject to the condition that if the enquiry is not concluded.

In this back ground of the matter, We feel that the order impugned herein needs no interference by this Court. Hence, We see no merits to entertain this writ petition. However, time for a period of one (1) month from the date of receipt of a copy of this order, is granted to comply with the order of the tribunal.

Subject to the above observation, this W.P. is disposed of.

(JUSTICE T.MEENAKUMARI)

28th June, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:13421 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

28th June, 2007.